

PATENT COOPERATION TREATY

Recd PCT/PTO 06 JAN 2004

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PCT

From the
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

To:

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WRITTEN OPINION
(PCT Rule 66)

Date of mailing (day/month/year)	07.06.2004
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Applicant's or agent's file reference
P/63634/U63

REPLY DUE

within 2 month(s)
from the above date of mailing

International application No.
PCT/GB 03/02984

International filing date (day/month/year)
10.07.2003

Priority date (day/month/year)
10.07.2002

International Patent Classification (IPC) or both national classification and IPC
H04Q11/00

Applicant
MARCONI COMMUNICATION GMBH et al.

Second

1. This written opinion is the **first** drawn up by this International Preliminary Examining Authority.

2. This opinion contains indications relating to the following items:

- I Basis of the opinion
- II Priority
- III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV Lack of unity of invention
- V Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI Certain documents cited
- VII Certain defects in the international application
- VIII Certain observations on the international application

3. The applicant is hereby invited to reply to this opinion.

When? See the time limit indicated above. The applicant may, before the expiration of that time limit, request this Authority to grant an extension, see Rule 66.2(d).

How? By submitting a written reply, accompanied, where appropriate, by amendments, according to Rule 66.3. For the form and the language of the amendments, see Rules 66.8 and 66.9.

Also: For an additional opportunity to submit amendments, see Rule 66.4. For the examiner's obligation to consider amendments and/or arguments, see Rule 66.4 bis. For an informal communication with the examiner, see Rule 66.6.

If no reply is filed, the international preliminary examination report will be established on the basis of this opinion.

4. The final date by which the international preliminary examination report must be established according to Rule 69.2 is: **10.11.2004**

Name and mailing address of the international preliminary examining authority:



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I. Basis of the opinion

1. With regard to the **elements** of the international application (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this opinion as "originally filed"*):

Description, Pages

1-18 as originally filed

Claims, Numbers

1-12 as originally filed

Drawings, Sheets

1-5 as originally filed

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).
- the language of publication of the international application (under Rule 48.3(b)).
- the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- contained in the international application in written form.
- filed together with the international application in computer readable form.
- furnished subsequently to this Authority in written form.
- furnished subsequently to this Authority in computer readable form.
- The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- the description, pages:
- the claims, Nos.:
- the drawings, sheets:

5. This opinion has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)).

6. Additional observations, if necessary:

V. Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N) Claims 1,7,9,10,12

Inventive step (IS) Claims 2-6,8,11

Industrial applicability (IA) Claims

2. Citations and explanations

see separate sheet

Re Item V

Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

Reference is made to the following document:

- D1: WO 01 45451 A (CORNING INC) 21 June 2001 (2001-06-21)
- D2: NAGATSU N ET AL: 'ARCHITECTURAL ANALYSIS OF MULTIPLE FIBER RING NETWORKS EMPLOYING OPTICAL PATHS' JOURNAL OF LIGHTWAVE TECHNOLOGY, IEEE, NEW YORK, US, vol. 15, no. 10, 1 October 1997 (1997-10-01), pages 1794-1804, XP000703594 ISSN: 0733-8724
- D3: GB-A-2 350 001 (FUJITSU LTD) 15 November 2000 (2000-11-15)

1 The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of **independent claims 1,7,10** is not new in the sense of Article 33(2) PCT.

1.1 The document D1 discloses (the references in parentheses applying to this document):

A method for transmitting information from a start node to a target node (Fig. 1) in a wavelength division multiplex optical communications network (Fig.25, wavelength multiplexers) having a plurality of nodes, each of which includes a wavelength selective optical cross-connect having a plurality of switching fabrics (Fig.25), each switching fabric being provided for switching wavelength channels of a specific wavelength (72,82), the method comprising:

applying at least two wavelength channels having different wavelengths (p.11 l.13-16) but which are modulated with the same information ("redundant protection traffic", p.12 l.15) to an input of switching fabrics of the start cross-connect provided for these wavelengths;

transmitting the two wavelength channels to the target cross-connect (working traffic on wavelength λ_j , redundant protection traffic on wavelength λ_k);

dropping the wavelength channels at outputs of different switching fabrics of the cross-connect provided for different wavelengths (Fig.25).

The subject-matter of **independent claim1** is therefore not new in the sense of Article 33(2) PCT.

1.2 The document D1 discloses (the references in parentheses applying to this document):

A node (Fig.25) for a wavelength division multiplex optical communications network comprising:

a wavelength selective optical cross-connect having a plurality of inputs for optical wavelength multiplex lines and a plurality of switching fabrics, wherein each switching fabric is provided for switching wavelength channels of specific wavelength (Fig.25) and
a plurality of add ports for adding data traffic (Fig.25)

characterized by

a signal divider ("electrical bridge", p.5 I.26-30, Fig.3 item 30) for distributing an information signal to be added to at least two add ports of switching fabrics provided for different wavelengths.

The subject-matter of **independent claim 7** is therefore not new.

The selector of independent claim 10 being disclosed in D1 ("protection switch", p.5 I.26 - p.6 I.1, Fig.3 item 31), the subject-matter of **independent claim 10** is also not new.

2 Dependent claims 2-6,8-9,11-12 do not contain any features which, in combination with the features of any claim to which they refer, meet the requirements of the PCT in respect of novelty or inventive step.

The subject-matter of claims 9 and 12 is not new (D1: Fig.3, p.5 I.26-31).

The additional features of claims 2-6 (see for example D3 p.11 I.11-33 and D2), 8, 11 come within the scope of the customary practice followed by persons skilled in the art, especially as the advantages thus achieved can readily be foreseen. Consequently, the subject-matter of claims 2-6, 8, 11 also lacks an inventive step.